

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6144

ANTONIO RENALDO JACKSON-BEY,

Plaintiff - Appellant,

versus

CORRECTIONAL MEDICAL SERVICES,

Defendant - Appellee.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Peter J. Messitte, District Judge. (CA-03-1790-8-PJM)

Submitted: November 24, 2004

Decided: January 11, 2005

Before NIEMEYER, LUTTIG, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Antonio Renaldo Jackson-Bey, Appellant Pro Se. Philip Melton Andrews, KRAMON & GRAHAM, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Antonio Renaldo Jackson-Bey, a Maryland prisoner, seeks to appeal from the district court's order denying his 42 U.S.C. § 1983 (2000) complaint. Because Jackson-Bey's notice of appeal was filed outside the thirty-day appeal period set forth in Fed. R. App. P. 4(a)(1)(A), and the district court concluded on remand that Jackson-Bey failed to demonstrate excusable neglect or good cause for the late filing, we lack jurisdiction over Jackson-Bey's appeal. See Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (stating the appeal periods established by Rule 4 are mandatory and jurisdictional). Accordingly, we dismiss the appeal as untimely. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED